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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|---------------------------|---|
| Proceeding | 91179352 |
| Party | Plaintiff McDonald's Corporation |
| Correspondence Address | John A Cullis Neal, Gerber & Eisenberg LLP 2 North LaSalle Street, Suite 2200 Chicago, IL 60602 UNITED STATES jcullis@ngelaw.com, rbrowne@ngelaw.com |
| Submission | Motion to Suspend for Settlement Discussions |
| Filer's Name | Lawrence E. James, Jr. |
| Filer's e-mail | ljames@ngelaw.com, jcullis@ngelaw.com |
| Signature | /s/ Lawrence E. James Jr. |
| Date | 12/03/2009 |
| Attachments | Consented Motion For Suspension.pdf (3 pages)(82250 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

McDONALD'S CORPORATION,

Opposer,

v.

Opposition Nos. 91179290 (McFIT)
91179352 (McGYM)

PATCHELL HOLDINGS, INC.,

Serial Nos. 77/020,401
77/020,407

Applicant

OPPOSER'S CONSENTED MOTION FOR SUSPENSION

Pursuant to Rule 510.03(a) of the Trademark Trial and Appeal Board Manual of Practice and 37 C.F.R. § 2.117(c), Opposer, McDonald's Corporation, with the consent of Applicant, Patchell Holdings, Inc., hereby moves the Board for an Order suspending these proceedings for a period of sixty days pending the outcome of settlement negotiations between the parties. In support of this Motion, Opposer states:

1. On May 11, 2009, Applicant filed a Motion for Suspension for Settlement With Consent requesting a ninety-day suspension to permit the parties to continue settlement negotiations in an attempt to resolve these proceedings. That Motion, filed via the ESTAA "Consented Motion" option erroneously indicated that discovery had closed.

2. On May 11, 2009, the Board granted the requested ninety-day suspension to permit the parties to continue their settlement discussions and reset the schedule according to the May 11, 2009 Motion.

3. On May 22, 2009, Opposer filed a Motion to Clarify Applicant's Motion for Suspension With Consent.

4. On June 28, 2009, the Board entered an Order (1) acknowledging Opposer's pending discovery motions, (2) confirming the suspension of the proceeding, (3) scheduling the

proceedings to resume on August 10, 2009, and (4) informing the parties that upon resumption of the proceedings, the Board would take up for consideration Opposer's pending discovery motions.

5. Thereafter, the parties continued to discuss the terms of a settlement; however, the parties' efforts to finalize a mutually agreeable settlement agreement are ongoing. The parties believe that they have agreed upon a framework for resolving the matter; but, additional time is requested to finalize the specifics of the agreement. An additional sixty-day suspension of these proceeding will permit the parties to continue their settlement efforts and, hopefully, resolve these proceedings.

6. Counsel for Opposer and counsel for Applicant have conferred and agreed to seek the suspension of this matter to allow the parties to focus their efforts on attempting to resolve this matter, and, therefore, counsel for Applicant has consented to this motion.

WHEREFORE, Opposer respectfully requests that this Board suspend this Opposition for a period of sixty days, pending the outcome of the settlement discussions.

Respectfully submitted,

Date: December 3, 2009

/Lawrence E. James, Jr./
One of the Attorneys for Opposer

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CERTIFICATE OF SERVICE

I, Lawrence E. James, Jr., state that I served a copy of the foregoing Opposer's Consented Motion for Suspension upon the following parties:

Christopher Kelly
Jennifer L. Elgin
Wiley Rein LLP
1776 K Street, N.W.
Washington, DC 20006

via First Class U.S. Mail, postage prepaid, on this 3rd day of December, 2009.

/Lawrence E. James, Jr./
Lawrence E. James, Jr.